# India's "Potential" Endgame in Kashmir

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Over the last fifty-five years a diverse range of individuals and institutions have introduced a variety of solutions to solve the problems facing Jammu and Kashmir.[1] And yet most observers of the region would argue that there are still no signs that sustainable peace will return to Kashmir despite the tremendous interest in the conflict. This article presents an Indian view of the endgame in Kashmir. It seeks to answer two essential, if prosaic, questions: Does India have a plan for the final settlement of Jammu and Kashmir? If so, what are its essential elements? While there may not be a publicly discernable Indian game-plan, a combination of factors has helped to create the possibility of generating a process that could eventually lead to durable peace in Kashmir. Events subsequent to the Kargil war of 1999, the terror attacks against America on September 11, 2001, and the perceptions in India of a shift in international public opinion regarding Kashmir have all coalesced to provide an opportunity for India settle the Kashmir question. These factors are, however, rooted in deeper changes within the Indian polity, including the growing consensus on economic and political decentralization and New Delhi's ambition to increase India's influence within the international system. India's top political leadership may consequently become willing to commit itself to a *potentially* longer term and more imaginative course for its Kashmir policy.

First, it is assumed that two central hurdles stand in the way of peace in Kashmir: the conflict between India and the people of Jammu and Kashmir (the conflict in Kashmir) and the problems between New Delhi and Islamabad (the conflict over Kashmir). Second, while it is assumed that long-term peace would be attained only if both conflicts were resolved, it seems that there would be a significant improvement in the situation on the ground if New Delhi was able to arrive at a *modus vivendi* with representatives of the Kashmiri people.

This article is divided into three sections: section one will describe the main elements of India's changed policy and the possible endgame for resolving the conflict in Kashmir; section two will describe the factors responsible for this shift in India's policy; and, finally, section three will briefly put forward India's potential endgame for resolving the conflict in Kashmir.

It is important at the very outset to make three important clarifications. First, this is an Indian's view of Indian policy on Kashmir and does not necessarily reflect official thinking or stated positions. It does, however, draw significantly from the author's understanding of Indian policy and discussions with Indian policy analysts and policymakers. In this sense, the article is descriptive as well as prescriptive. It describes "what is," even as it focuses on "what might be" and "what ought to be." Second, it is important to stress that there is no single locus of decisionmaking on Kashmir within the government of India at any given point. There are several institutions, including intelligence agencies, that devote considerable attention to Kashmir and most officials

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would privately declare that there is no clear policy on Kashmir. This article, however, suggests that despite the "policy diffusion" on Kashmir and the absence of a finely sketched blueprint in black and white (to mix metaphors), there exists the potential for a clear policy initiative, the main elements of which will be discussed here. Finally, there are "outcomes" that, for a variety of reasons, are unlikely to garner much support in India. There is, for instance, virtually no support for any solution that would involve the secession of the valley of Kashmir from India. There is also limited support for reunifying all of Jammu and Kashmir (including the part in Pakistan) within India, although there is a unanimous parliamentary resolution to that effect and there has been some growth in popularity for this outcome in recent years.

## India's "New" Kashmir Policy

In January 2001 Prime Minister Vajpayee declared the following from the vacation resort of Kumarakom:

> In our search for a lasting solution to the Kashmir problem, both in its external and internal dimensions, we shall not traverse solely on the beaten track of the past. Rather, we shall be bold and innovative designers of a future architecture of peace and prosperity for the entire South Asian region. In this search, the sole light that will guide us is our commitment to peace, justice and the vital interests of the nation.[2]

Vajpayee's words reflect fresh thinking in New Delhi's policy initiative toward Kashmir,[3] and this includes: first, a move towards the isolation of forces perpetrating violence; second, a readiness to initiate unconditional negotiations with the Kashmiri people, including separatists; third, a commitment to hold free and fair elections for the state legislative assembly. Indeed, the government of India has achieved varying degrees of success in these objectives. There is today little popular support for militancy in Jammu and Kashmir (evidence for this is provided later in the article), and barring a few outfits (particularly the Hizbul Mujhaideen) most militant organizations are led and often manned by non-Kashmiris. Although the separatists, particularly the umbrella separatist alliance, the All Party Hurriyat Conference (APHC), have not responded positively to official Indian overtures, they have engaged with the Kashmir Committee and carried out a discreet dialogue with emissaries from New Delhi. There is also hope that elements within the APHC may be prepared to talk with former civil servant Narendra Nath Vohra, who was appointed New Delhi's official interlocutor in February 2003. Is New Delhi's new Kashmir policy part of a larger rethink on Kashmir and not merely a tactical maneuver to secure short-term advantage? The jury may still be out, but the broad framework of understanding that could form the bedrock of India's new initiatives is defined below.

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### *Kashmir is Unique, and Must be Dealt With as a Special Case*

Jammu and Kashmir's uniqueness is obvious for a variety of historical reasons and is even recognized by the Indian Supreme Court. In 1984, in *Khazan Chand versus the State of Jammu and Kashmir,* the court unambiguously held that the state has "a special place in the constitutional set up of the country." The 1983 Srinagar Declaration adopted by the opposition conclave that included Jyoti Basu, Inder Kumar Gujral, Chandrashekhar, and Prakash Singh Badal stated: "The special constitutional status of Jammu and Kashmir should be preserved and protected in letter and spirit."[4]

More significant, however, is Kashmir's singular importance to the very idea of India. As a Muslim majority state that voluntarily acceded to India, Kashmir lent tremendous strength to the construction of India as a vibrant, secular, and pluralistic state. Therefore, the battle to capture the trust of the Kashmiri people is not merely one to recover the ideals that inspired Indian nationhood; rather, it is a battle central to the war against obscurantism and fundamentalism, especially of the Islamic variety. In other words, there is a growing realization that the political ineptitude and bureaucratic inertia that have often characterized New Delhi's policies toward many states cannot be continued in Kashmir.

### *Autonomy is Not a Dirty Word*

This is a more complex issue. While the word "autonomy" is still anathema to the ruling Bharatiya Janata Party, which once committed itself to integrate Jammu and Kashmir fully within India, there is now a near-consensus on the need for political and economic decentralization. In this sense, there is growing recognition that granting autonomy to Jammu and Kashmir, even if the word autonomy may not be used, will not weaken India's relationship with Kashmir.[5] Increasingly, autonomy is seen as being about empowering people, making people feel that they belong, and about increasing the accountability of public institutions and services. It is seen as being synonymous with decentralization and devolution of power, phrases that have been on the charter of virtually every political party in India.[6] There is some recognition that autonomy carries tremendous resonance with the people of Jammu and Kashmir because they did enjoy such status until their puppet leaders colluded with the central leadership and gradually eroded the autonomy guaranteed by the constitution.[7] It is also now recognized that there is no contradiction between wanting Kashmir to be part of the national mainstream and the state's desire for autonomous self-governance. If this balance is struck, Jammu and Kashmir could become a model of "cooperative federalism".[8] Cooperative federalism is the notion that separatism grows when people feel disconnected from the structures of power and the process of policy formulation; in contrast, devolution ensures popular participation in the running of the polity.

Restoring autonomy in Kashmir does not require elaborate reports or reference to past agreements and accords. These obfuscate rather than clarify the issue of meaningful self-governance. For instance, autonomy, as has been suggested by a high-level study group, can be achieved in the state through a simple six-point plan.[9] It is useful to describe some of the features of the plan.[10] First, restore the nomenclature. The terms Sadar-I-Riyasat

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and Wazir-e-Azam, which were used until 1965 for the Governor and the Chief Minister of the state, still have important symbolic value for people of the state. Literally translated as Head of State and Prime Minister, this nomenclature should be restored. In substance, this change will neither enlarge nor diminish the powers of the Governor or the Chief Minister. This will also not lead to a shift in their order of precedence.

Second, give the state a role in selecting the Governor. According to Article 155 of the Indian constitution, the "governor of the State shall be appointed by the President by warrant under his hand and seal." Until 1965 the Sadar-I-Riyasat in Kashmir was elected by the state legislature, but it was clear that a person acceptable to the center had to be appointed by the President. The Governor is widely viewed in Jammu and Kashmir as an instrument through which the center—and more often the political party in power—has furthered its interests in the state. The office of the Governor, in whom the constitution vests the executive power of the state, should be above narrow partisan politics. The Governor could be elected by the state legislature and appointed by the President and, by virtue of Article 156(1), hold office at the pleasure of the President. Or, alternatively, the state government could submit a panel of names and the President could appoint a suitable person who would govern at his pleasure.

Third, prevent the misuse of Article 356. This article deals with "provisions in case of the failure of the constitutional machinery in states." The misuse of Article 356 is a matter that has caused widespread concern in all states. The Inter-State Council is considering the matter and some agreed modifications and safeguards might emerge. While some might argue that it would be imprudent and impractical to exempt Jammu and Kashmir from the purview of the article altogether (although the state was brought under its purview only in 1964), it is still possible to modify it significantly and prevent its misuse without compromising the country's capacity to deal with real emergencies. In case of a constitutional breakdown, provisions should be made for holding elections within three months, and an Eminent Persons Group from the state ought to also be constituted to oversee issues if, due to violence and other disturbances, elections cannot be held within three months.

Fourth, give state services more authority and increase the quota in the All India Services. Part XIV of the constitution, which deals with the Services, did not apply initially to Jammu and Kashmir. But the provisions of Article 312 relating to All India Services were extended in 1958. Under the scheme, entry into the Indian Administrative Service (IAS) and the Indian Police Service (IPS) is both by direct examination and selection of "promotees" from the state civil service by the Union Public Service Commission. In most states the state quota has been around 33%, but in the case of the state this has been 50%. The bulk of direct recruits to the IAS, IPS, and Indian Forest Service (IFS) are from just about twenty-five colleges/universities in India. There is reason to believe that in the years ahead the number of recruits from the state will increase as the quality of education in Kashmir improves. In any case, a strong case can be made that the Jammu and Kashmir quota (from within the state services) should be increased for a period of twenty years to 75%, especially given the disruption the educational system in the state has faced over the last decade. The Kashmir Administrative Services (KAS) and the Kashmir Police Service (KPS) have also suffered severe neglect and marginalization over the last decade. Part of the problem has to do

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with inadequate training, but it is critical that KAS and KPS officers are promoted to positions of authority and have a career track similar to IAS and IPS officers.

Fifth, appoint a Regional Election Commissioner for the state. The impartiality of the Election Commission has come to be gradually respected, especially after the 2002 elections, and this despite past electoral aberrations (particularly in Kashmir). However, it would be prudent if a Regional Election Commissioner is appointed for the state, as provided for in Article 32(4) of the Indian constitution, to assist the Election Commission in the conduct of elections in the state. This appointment should be made on the recommendations of the state government before each election.

Sixth, provide guarantees for the future. Many people genuinely feel that even if an autonomy package is worked out, a future central government may, in collusion with the state's political leaders, renege on the agreement. This is understandable given the state's history of relations with the central government. It is therefore essential that special constitutional guarantees are introduced to ensure that the state's autonomy is not eroded. It may be necessary, for instance, to introduce a provision in the constitution which would make the special status of Jammu and Kashmir a basic feature of the document.

### *Admission of Mistakes is the First Step toward Restoring Trust between New Delhi and Kashmir*

Over the years, the center has made a number of appalling mistakes in Kashmir.[11] Several elections have been rigged, genuinely elected governments have been dismissed, puppet-leaders have been installed, and—in the last decade—ordinary Kashmiris have faced harassment from security forces. Some of these mistakes were avoidable; others were inevitable given the complex situation on the ground. It is being realized that admitting to such mistakes will not be construed as an expression of guilt, but will signal recognition that fresh initiatives toward Kashmir will be based on an awareness of past mistakes and a genuine desire not to see them repeated. Prime Minister Vajpayee has himself made this clear on a number of occasions.

### *Recovery of Kashmiriyat is Vital to Sustained Peace*

There does seem to be a genuine desire within Jammu and Kashmir to recover the social capital lost in the last decade and to restore Kashmir's traditional society based on ideas of peaceful coexistence, pluralism, and the common syncretic identity of *Kashmiriyat*.[12] New Delhi and the new government in Jammu and Kashmir also seem to have realized that the recovery of this ethos must be central to their efforts to build peace in the state. The return of the Kashmiri Pandit minority community, which left Kashmir *en masse* because of the insurgency, is recognized as being vital for the revitalization of the traditions of pluralism and communal harmony. Indeed, the new government in the state has begun definite plans for a phased return of Pandits to the valley, although this initiative received a setback after a terrorist massacre of 24 Pandits in the Kashmir valley in March 2003. That said, a visit to Pandit camps near Jammu indicates that there is still a deep desire among them to return to Kashmir and that the values of Kashmiriyat are, by and large, still intact even among those living on the margins. In any case, Pandits were being encouraged to return to Kashmir for festivals, pilgrimages, and other special

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occasions. A dialogue between civil society leaders of Kashmiri Pandits and Kashmir Muslims is now being promoted and facilitated. The return of Pandits is essential for the revitalization of Kashmiryat, and their return—on terms acceptable to them—continues to be a top priority for the state and central governments.

### *Ensuring Greater Regional Balance is Vital, but a Division of Indian Jammu and Kashmir should be Ruled Out*

There are powerful forces demanding a trifurcation of the main regions of the state, Jammu, Kashmir and Ladakh, into separate administrative units.[13] Posed as an imaginative solution, this demand, if conceded, could lead to violent social disruptions in the state, polarize the community, irretrievably destroy the state's cultural and social fabric, and unleash perilous consequences for communal relations in the rest of India. In addition, trifurcation would forever end the possibility of reviving the plural traditions of communal harmony in a state that was once a symbol of the very idea of India. The ruling National Democratic Alliance in New Delhi appears to recognize that while it is critical to help create greater regional balance, there must be no division of the state.

The demand for a division of the state, per se, is not new. The UN mediator Sir Owen Dixon had recommended partitioning the state in 1950,[14] and elements within the Praja Parishad agitation of the early 1950s also sought to separate Ladakh and Jammu from the valley if full integration of the state was not achieved quickly.[15] But several factors have now coalesced to produce a potentially explosive situation.

Most important is the widespread feeling of deprivation and political and economic discrimination within Jammu and Leh.[16] Indeed, political groups which are demanding separate statehood for Jammu and union territory status for Leh are exploiting such sentiments. They argue that not only will separation from Kashmir ensure better governance, more economic opportunities, and a greater share of political power, but people in Jammu and Leh will also be able to distance themselves from the ongoing militancy. They also claim that it is in their communities' interest to limit the security forces' "area of operations" and that division will ensure that only one-sixth of the whole state is exposed to the violence.

This logic is dangerous for at least three reasons. First, trifurcation will destroy the composite identity of the state, which has existed as one unit since 1846, and send a dangerous message to the whole nation: if Hindus, Muslims, and Buddhists cannot live together in one state, can they do so as a larger entity? Second, it will most probably lead to a transfer of Muslims from various parts of Jammu (including parts of the city and Doda, Rajouri, and Poonch), assuming that the whole province is made into a separate state. Finally, it will lead to such deep communal polarization that riots are bound to follow. It is no coincidence that the only group in the Kashmir Valley that has supported the idea of the division of the state is the Jamat-e-Islami.

Two factors have fueled these regional tensions. The first is the Regional Autonomy Committee (RAC) report released by the state government in April 1999.[17] Vastly different in scope and imagination from the State Autonomy Committee (SAC) Report,[18] the RAC recommends the reconstitution of Jammu and Kashmir's existing provinces into eight new ones. The most controversial part of the recommendations is the manner in which Jammu province should be broken up along communal lines. All majority Muslim

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areas are to be detached from Jammu, ostensibly because they share a different ethnolinguistic character. Although the report merely recommends, and an expert committee, with at least one knowledgeable intellectual, has been appointed to give it final shape, it has created an impression within Jammu that the state government is seeking to politically marginalize itself even further.

A second factor that has contributed to regional tensions is the controversial US-based Kashmir Study Group's report, *Kashmir: A Way Forward,* released in February 2000.[19] Chaired by an American businessman of Kashmiri origin, Farooq Kathwari, the members of the Study Group included a number of prominent academics and diplomats from the United States and Europe and three prominent US Congressmen. Exceedingly detailed, the report's preferred plan suggests creating a hypothetical Kashmiri state that includes the Kashmir valley, Doda (and perhaps part of the Mahore tehsil of Udahmpur), Poonch, Rajouri (all within Jammu), and Kargil. While the report argues that areas outside the valley have been included because these areas are imbued with the cultural traditions of Kashmir, it is intriguing that all parts included are Muslim majority areas. Regional harmony, it is now becoming clear to Indian decisionmakers, cannot be ensured through partition, but can only be promoted through decentralization and devolution of financial and economic power that will treat the Panchayat as the primary unit of governance.

## The Climate of Change

Several factors have coalesced to produce the possibility of a significant change in the attitude of the government of India. These factors are briefly discussed below.

### *International Public Opinion*

One of the most important reasons for New Delhi's new flexibility is the perceived shift in international public opinion since the Kargil war and the terrorist attacks of September 11, 2001. On the one hand, no longer does the government feel "internationally besieged" on Kashmir and, on the other, it recognizes that a more imaginative and sensitive handling of the province, domestically, could win it even greater support internationally.

Four ways the major powers responded to the events in Kargil are particularly noteworthy.[20] First, there was widespread dismay over Pakistan violating the Line of Control (LOC), and virtually no important state was willing to accept Islamabad's assertion that the Kashmiri Mujhaideen alone was responsible for the intrusion. Second, there was considerable support for the restraint India showed, particularly the decision by the political leadership to not let its armed forces cross the LOC or the international border, thereby averting a full-blown war. Third, in the aftermath of the war, and more so after the military coup in Pakistan (the seeds of which were also sown during Kargil), there were few, if any, supporters of Pakistan's Kashmir policy. There was increasing international recognition that Pakistan was not just waging a proxy-war against India in Kashmir, but the army of Islamic *jihadis* that were being produced in the Madrasas could unleash terror even beyond South Asia.[21] Finally, there was also an awareness that the Kashmir problem was now more a symptom of the larger problems facing Pakistan, and while it was imperative that New Delhi should address the genuine grievances of the

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Kashmiri people, granting the province the right of self determination—on the basis of clearly outdated UN Security Council resolutions—would have disastrous consequences for the Indian subcontinent and weaken the forces of democracy, pluralism, and secularism in the region.

This shift in stance was particularly evident in the policies of the United States. Through much of the 1990s New Delhi had waged a diplomatic battle in international forums to prevent an internationalization of the Kashmir issue, even as it was repeatedly castigated for the human rights violations its security forces perpetrated in the province. The dominant perception within the government of India seemed to be that elements within President Clinton's administration, in concert with liberal governments of the "West," were supportive of the movement for *azadi* in Kashmir. The presence of Robin Raphael, Assistant Secretary for South Asia in the first Clinton administration, lent support to this perception. Raphael, a Counselor in the US embassy in New Delhi (before her appointment to the State Department) was alleged to have developed links with Kashmiri separatists, and later, as Assistant Secretary, seemed to even question Jammu and Kashmir's accession to India.

This gradually changed during the second Clinton administration, but there was a marked difference during and after the Kargil war. Ironically, a new phase of political engagement between India and the United States began some months after India conducted a series of nuclear tests in May 1998. While the speed with which Foreign Minister Jaswant and Deputy Secretary of State Strobe Talbott were able to establish a personal rapport helped, the high point—in terms of Indian perceptions—was the Kargil war of 1999. It was clear that the United States was deeply disappointed by the Pakistan-backed intrusions across the LOC and that it actively worked for a unilateral and unconditional withdrawal of the Pakistani forces. The US attitude had a dramatic impact on Indian public opinion, and even conservative opinion makers in New Delhi were convinced that there was a gradual shift in American policy and that Washington was no longer working toward the "disintegration of India,"[22] an opinion they widely held in the past. In the post-Kargil period, therefore, there was greater receptivity to American suggestions that New Delhi should attempt to carve out a more sensitive and imaginative policy geared at winning the hearts and minds of the Kashmiri people and that adopting such a course would not necessarily lead to Kashmir's secession from India. President Clinton's successful visit to India and the tone and content of the speech he delivered in Pakistan strengthened this perception.[23] Closely related to this understanding was the belief that if India was to become a global player and make an effort to assume greater responsibility in managing the international system, it had to demonstrate an ability to settle issues in its "own backyard." Moreover, it was being realized that the "Kashmir problem was hanging like a millstone," had "tarnished India's image," led to "excessive use of India's diplomatic resources that could have been more usefully targeted elsewhere," and prevented India from being recognized as an extra-South Asian power.[24] Although there has been disappointment at the US inability to exert more pressure on Pakistan in the post-9/11 era and thereby halt terrorism in Jammu and Kashmir, many feel that the basic thrust of US policy has not changed very much.

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### *The Sentiment against Violence, Foreign Militants and Pakistan*

There is an overwhelming sentiment against violence in Kashmir today. Militancy may not be down and out, but it has lost a great deal of the popular legitimacy it once commanded. A large number of credible field surveys and opinion polls reveal that over 90% of the Kashmiri people now "disapprove" of violence and feel that an "armed struggle" is neither desirable nor a feasible way to achieve political goals.[25]

The virtual takeover of the militant movement by foreigners, and especially its leadership by Pakistanis and Afghans in the aftermath of the Kargil war, has increased the sentiment against militancy. There is practically no real support or sympathy for the foreign militants. For instance, reports that Afghans belonging to the dreaded Lashkar-e-Tayyba may be dominating the militant movement has generated deep discomfiture in significant sections of the valley. Kashmiris have always had an uneasy relationship with the Afghans, given the history of tyrannical Afghan rule over the valley.

Similarly, there is strong disillusionment with Pakistan. The political and social conditions prevailing within Pakistan have not gone unnoticed in the Kashmir valley. The near-total absence of a civil society, the deep ethnic conflict in Sindh and other areas, and the almost Orwellian control that is exercised in Pakistan-occupied Kashmir have all left a deep impression on Kashmiris. The coup by General Pervez Musharraf has strengthened the growing feeling in Kashmir that a country whose commitment to democracy is so weak cannot fully support the Kashmiri's democratic aspirations.[26] A recent poll by MORI, the respected market research agency, is revealing. A very clear majority of the population—65%—believed that the presence of foreign militants in Jammu and Kashmir is damaging to the Kashmir cause, and most of the rest take the view that it is neither damaging nor helpful. Two-thirds of people in Jammu and Kashmir took the view that Pakistan's involvement in the region for the last ten years had been bad. Only 15% believed it had been good for the region, while 18% said it has made no real difference. On the issue of citizenship, while 61% felt they would be better off politically and economically as Indian citizens, only 6% said they would be better off as Pakistani citizens.

### *The Sentiment for Autonomy*

There is no doubt that the sentiment for self-governance remains strong in Kashmir. But this too is gradually being tempered by the realization that a fully independent sovereign Kashmir may not be feasible and that an autonomous Kashmir—within India—with full control of its internal affairs may be the only practical and viable way of moving forward. Evidence for this sentiment is not difficult to find on the streets of Srinagar. Indeed, Dr. Farooq Abdullah's popularity increased after he passed a resolution for autonomy in the legislative assembly of the province.[27] Some important separatist leaders are privately beginning to admit that "full" autonomy wit hin India could be acceptable if there were guarantees that there would be no erosion of this autonomy in the future.[28]

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### *The Role of Civil Society*

Most writings on Kashmir rarely focus attention on its civil society. What is particularly omitted is the fact that in the last three years the overwhelming Kashmiri sentiment against violence has been accompanied by efforts to recover the social capital lost in the last decade so as to revitalize Kashmir's civil society. Although it is too early to describe these efforts as the beginning of a "peace movement" in Kashmir, there has been a mushrooming of NGOs actively attempting to channel the anti-violent sentiment into a powerful voice that cannot be ignored. At least fifteen workshops, seminars, or conferences have been held in the province in the last two years, in contrast to the almost total absence of any such activity through most of the 1990s. A study of the deliberations at these workshops reveals that nearly all of them have had mostly Kashmiri participants—with a sprinkling of intellectuals from other parts of India—and produced declarations or resolutions that were strongly in support of an end to "all" violence and "called for an unconditional dialogue."[29]

## The Conflict over Kashmir

While the conflict in Kashmir is showing signs, however faint, of moving toward a possible settlement, India and Pakistan are still deadlocked over the region.[30] Pakistan continues to aid, train, and arm militants operating in Kashmir; these militants are increasingly non-Kashmiri; and many are threatening to wage *jihad* all over the Indian subcontinent.[31] But there are indications that a small, but increasingly influential, constituency in Pakistan might be willing to accept a "solution" worked out by the Kashmiris with India. This constituency, believe many within India's elite, needs to be strengthened. India, together with the international community and especially the United States, could (runs the argument) provide incentives to Pakistan to prevent it from subverting the peace in Kashmir. Given Pakistan's dire financial status, most of these incentives would enable Pakistan to develop economically. Other carrots, depending on Pakistan's response, should also be worked out. In addition, New Delhi can keep Islamabad informed of the progress it is making in its dialogue with the Kashmiris.

If India is able to find a *modus vivendi* with the Kashmiris, a permanent division of Jammu and Kashmir between India and Pakistan along the present LOC, with minor adjustments if need be, may be the only realistic, practical, and just settlement of the problem. This, it needs to be admitted, is probably the most prescriptive section of the article. This is particularly so since such a move would mean that India would have to forsake its commitment to the unanimous parliamentary resolution calling for reclaiming the territory "under Pakistan's occupation" and for Pakistan to give up its traditional claim to all of Kashmir. However, converting the present LOC into an international border would settle a problem that has defied a solution for more than half a century.

The LOC corresponds, more or less, to the ceasefire line (CFL). Recall that the CFL was created after the suspension of armed hostilities between India and Pakistan on January 1, 1949. But it was delineated on maps during the Karachi Agreement of July 27, 1949, formally known as the "Agreement Between Military Representatives of India and

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Pakistan Regarding the Establishment of a Cease-fire Line in the State of Jammu and Kashmir." By November 3, 1949, with the help of United Nations military observers, the borders on the map had been demarcated on the ground by the two sides. The CFL, however, was demarcated only from the west of the Chenab River up to map coordinate NJ 9842, and not beyond. The absence of any physical demarcation has led to competing claims over the Siachen glacier, but the legality of the CFL itself has never been questioned. The CFL, with minor changes, became the LOC after the Shimla Agreement of July 2, 1972. It was delineated on maps and demarcated by top military officers from both India and Pakistan.[32] Until the Pakistani intrusion in Kargil, the sanctity of the LOC was accepted and respected by the governments in Islamabad and New Delhi and their military commanders on the border. In short, the CFL/LOC has been the de facto border for 50 years.

There have been at least three occasions on which there seems to have been a near agreement between Indian and Pakistani leaders that Jammu and Kashmir be partitioned along the CFL/LOC with some adjustments. In 1955 Prime Minister Jawaharlal Nehru and Pakistani Governor General Ghulam Mohammad are believed to have agreed to a division along the CFL with minor adjustments.[33] Between December 1962 and May 1963 Pakistan's then Foreign Minister Zulfiqar Ali Bhutto and Sardar Swaran Singh, a senior Indian cabinet minister, discussed a plan for partitioning along the CFL, with India conceding an addition 3,000 square miles west and north of the Kashmir valley, including Tithwal and Handal forests and the river Kishanganga.[34] These plans, too, did not translate into an agreement. In 1972, Prime Ministers Indira Gandhi and Zulfiqar Ali Bhutto may have arrived at an understanding that converting the LOC into the international border was the only way out of the Kashmir conundrum. Bhutto, it is believed, did not want an agreement in black and white since he "wanted time" to prepare his people for the "deal." The Pakistanis, Bhutto claimed, had been traumatized by their defeat in the 1971 war and the dismemberment of Pakistan. Bhutto reneged on this understanding within months. Most of Indira Gandhi's advisors, however, knew about the secret agreement. While her secretary, P.N.Dhar, has written about it, her closest advisor during that period, P.N.Haksar, was aware of it as well.[35]

History apart, there are at least four reasons why converting the LOC into the international border is still considered the most practical solution to the Kashmir issue. First, a solution to the Kashmir problem cannot be provided on the basis of absolutes. Absolute victory is not possible for either India or Pakistan. It is unrealistic for New Delhi or Islamabad to imagine that it can, with either force or diplomacy, reunify the whole of Jammu and Kashmir. Similarly, Islamabad, too, must realize that neither war nor support for insurgencies or international pressure will force New Delhi to give up the provinces of Jammu, Kashmir, and Ladakh. Second, rewriting boundaries in South Asia will have disastrous consequences for the region. Apart from displacing huge populations, it could lead to communal clashes bloodier than those during the partition of India. Third, the present LOC corresponds, more or less, to a broad ethnic-linguistic division within the former princely state. Finally, the two regions have lived as a part of India and Pakistan for more than half a century. Although they have grievances against their respective leaderships, there has been a cumulative process of integration that will be extremely difficult to reverse. It is difficult to imagine how the existing economic and communication links can be done away with without causing tremendous upheaval.

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Conversion of the LOC does not mean continuation of hostilities. If India and Pakistan were to see the sense in such an idea, both New Delhi and Islamabad could work toward converting the territory around the LOC into a demilitarized zone. Gradually, there could be a resumption of trade, free passage of goods and visa less travel for Kashmiris across the divide, and both Kashmiris would enjoy autonomy within India and Pakistan.[36]

## Conclusion

This article has suggested that a new opportunity for peace exists in Kashmir. The government of India has taken a few steps to tap the growing Kashmiri sentiment against violence and to strengthen the constituency for peace. Bringing peace to Kashmir, at least at this stage, should not be about goals but about gradually creating a process in which all the main dramatis personae have a stake and one that cannot easily be derailed by those profiting from the conflict. More important, if New Delhi's new Kashmir policy is indeed part of a larger strategic rethink on Kashmir, and not merely a tactical maneuver, it would suggest that plural democracies like India that are increasingly integrated with the global economy, but with a strong trend toward political and economic decentralization, will eventually develop imaginative processes and mechanisms to address separatist problems. The ambition to be a player in the international system, within a relatively friendly power structure, can often help provide momentum to what might otherwise have been a sluggish process. But, as any enthusiast of chess would know, endgames can be extraordinarily deceptive. What may seem like a winning situation can quite easily turn into a stalemate or even defeat.

## NOTES

1. Joseph E.Schwartzberg, Professor of Geography and South Asian Studies at the University of Minnesota, in an unpublished paper, has compiled a comprehensive list of proposals for resolving the Kashmir dispute. These include proposals put forward from the 1940s to the end of the 1990s.
2. Atal Behari Vajpayee, "My musings from Kumarakom—I: Time to Resolve Problems of the Past," reproduced in *The Hindu* (Chennai), January 2, 2001.
3. By April 2000, most of the leadership of the Kashmiri separatist alliance, the All Party Hurriyat Conference (APHC) had been released and during August 2000 there had been an unsuccessful effort to convert the short-lived offer of a ceasefire by a prominent militant group, the Hizb-ul-Mujhaideen, into a peace process.
4. For details of the opposition conclave see Sati Sahni, *Centre-State Relations* (New Delhi: Vikas Publishing House, 1984). Basu is a leader of the Communist Party of India (Marxist) and a former Chief Minister of the Indian state of West Bengal; Gujral and Chandrashekhar are former Prime Ministers; and Badal is a leader of the Akali Dal, which is part of the ruling National Democratic Alliance.
5. There are, of course, elements within the "Sangh Parivar," to which BJP owes ideological allegiance that are still demanding a scrapping of Article 370 of the Indian constitution that confers special status on J&K and the state's full integration within India. However, there are few within the core of the ruling National Democratic Alliance (of which BJP is the dominant partner) that share this view. Significantly, the common minimum program of the

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National Democratic Alliance did not include scrapping of Article 370 as part of its agenda, despite it being a part of the BJP's manifesto in earlier elections.

6. A thorough plan for restructuring center-state relations is provided in the Justice Sarkaria Commission Report, 1988. The National Agenda for Governance of the ruling NDA states that "there is a clear case for devolution of more financial and administrative powers and functions to the states." It further says that "suitable steps will be taken to ensure harmonious Centre-State relations in the light of the recommendations of the Sarkaria Commission."
7. The most comprehensive account of J&K's special status and the gradual erosion of autonomy is provided in Adarsh Sein Anand, *The Development of the Constitution of Jammu and Kashmir* (New Delhi: Light and Life Publishers, 1980).
8. The Indian Ninth Plan Document, 1997–2002, produced by the Planning Commission of India, offers a narrow but a useful definition of cooperative federalism. According to the document: "In a vast country like ours, the spirit of co-operative federalism should guide the relations between the Centre and the States on the one hand, among different States and between the States and the Panchayati Raj Institutions (PRIs) and the Urban Local Bodies (ULBs) on the other. The essence of co-operative federalism is that the Centre and the State Governments should be guided by the broader national concerns of using the available resources for the benefit of the people. Co-operative federalism encourages the Government at different levels to take advantage of a large national market, diverse and rich natural resources and the potential of human capabilities in all parts of the country and from all sections of the society for building a prosperous nation. Co-operative federalism makes it possible to raise all the available resources by the Government at different levels in a co-ordinated way and channel them for use for the common good of the people. This requires a harmonious relationship and co-operative spirit between the Centre and the States and among the States themselves. While a healthy competition among the States for evolving efficient and socially desirable policies and programs is welcome, any competition which nullifies each other's advantages in development and erodes the resource base of the States should be avoided. Co-operative federalism is intended to ensure a minimum bundle of basic services and a nationally acceptable level of living for all the people of the country." The document can be accessed at www.nic.in/ninthplan/vol1/v1c6–1.htm.
9. In 1997, the Delhi Policy Group, an Indian think-tank set up an independent study group to recommend measures to restore normalcy in Jammu and Kashmir. The members of the group were Kanti Bajpai, Dipankar Banerjee, Salman Khurshid, Amitabh Mattoo, Arun Verma, and B.G.Verghese. See the group's report: *Jammu and Kashmir: An Agenda for the Future* (New Delhi: Delhi Policy Group, 1999). This section draws heavily from recommendations made in this report.
10. This plan does not suggest measures to ensure financial autonomy for Jammu and Kashmir. This was the mandate of the Godbole Committee, which was established by the state government in 1997, but its recommendations have not been made public.
11. The most incisive account of New Delhi's follies is provided in many of the writings by the Jammu-based political analyst and activist Balraj Puri. See, for instance, *Kashmir: Towards Insurgency* (New Delhi: Orient Longman, 1993); and his earlier *Jammu and Kashmir: Triumph and Tragedy of Indian Federalism* (New Delhi: Sterling Publishers, 1981). For readable journalistic accounts see Ajit Bhattacharjea, *Kashmir, The Wounded Valley* (New Delhi: UBS Publishers and Distributors, 1994); and Tavleen Singh, *Kashmir: A Tragedy of Errors* (Viking: New Delhi, 1995). For a recent sophisticated critique, see Sumit Ganguly, *The Crisis in Kashmir*.
12. There are few scholarly book-length accounts of Kashmir's syncretic culture. However, there are a few thoughtful articles on the subject: See, for instance, T.N.Madan, "Meaning of Kashmiriyat: Cultural Means and Political Ends," in Gul Mohd Wani, ed., *Kashmir: Need for Sub-Continental Political Initiative* (New Delhi: Ashish Publishing House, 1995), pp. 65–73. Riyaz Punjabi's essay, "Kashmir: The Bruised Identity," in Raju G.C.Thomas, ed.,

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*Perspectives on Kashmir: Roots of Conflict in South Asia* (Boulder, CO: Westview, 1992), pp. 131–52; and Balraj Puri, "Kashmiriyat: The Vitality of Kashmiri Identity," *Contemporary South Asia,* March 1995, pp. 45–63. An idealized view is presented in P.N.Razdan's *Jewels of Kashmiri Literature and Kashmiriyat* (New Delhi: Samkaleen Prakashan, 1999).

13. Sections of the Rashtriya Swayam Sangh, the Jammu-based Jammu Mukti Morcha and the Ladakh Buddhist Association are leading the campaign for this demand.
14. Dixon Report to the UN Security Council, S/1791, September 15, 1950.
15. For details of the Praja Parishad agitation see Balraj Madhok, *Portrait of a Martyr: Biography of Shyama Prasad Mookerji* (Bombay: Jaico Publishing House, 1969).
16. For a scholarly study of Kashmir's different "identities" and feelings of deprivation among non-Kashmiri-speaking groups, see Navnita Chadha Behera, *State, Identity & Violence: Jammu, Kashmir, and Ladakh* (New Delhi: Manohar Publishers & Distributors, 2000).
17. Government of Jammu and Kashmir, *Regional Autonomy Committee Report* (Jammu: Ranbir Govt. Press, 1999).
18. Government of Jammu and Kashmir, *Report of the State Autonomy Committee* (Jammu: Ranbir Govt. Press, 1999).
19. Kashmir Study Group, *Kashmir: The Way Forward* (New York. February 2000). Members of the group include US Congressmen, Robert G.Torricelli, Gary L. Ackerman, James A.Leach, former Ambassadors, Harry Barnes, Robert B.Oakley, Nicholas Platt, Howard B.Schaffer, Teresita C.Schaffer, Philipps Talbot, and the following academics and policy analysts: Marshall Bouton, Chester Crocker, Ainslee T. Ambree, Robert L.Hardgrave, Rodney W.Jones, Charles H.Kennedy, Citha D.Maass, Barbara D.Metcalf, Leo Rose, Joseph E.Schwartzberg, George Tanham, David Taylor, Thomas P.Thornton and Robert G.Wirsing.
20. For details of the international reactions, particularly the US response to the Kargil war see Kanti Bajpai, Afsir Karim, and Amitabh Mattoo, eds., *Kargil and After: Challenges for Indian Policy* (New Delhi: Har-Anand, 2001).
21. See, for instance, Jessica Stern, "Pakistan's Jihad Culture," *Foreign Affairs* (October–December 2000).
22. Interview with former Indian Foreign Secretary, off-the-record, New Delhi, May 15, 2000.
23. Of particular significance was President Clinton's speech in Pakistan during his visit to South Asia in March 2000. Clinton called upon Islamabad to create conditions for a dialogue with New Delhi, stop trying to "redraw" borders with blood and stated that the US will not negotiate the Kashmir dispute. He also said: "When I was in New Delhi, I asked India to seize the opportunity for dialogue. Pakistan also must create conditions that will allow dialogue to succeed. For India and Pakistan, this must be a time for restraint, for respect of the Line of Control and renewed lines of communication… I have listened carefully to Gen. Musharraf and others. I understand your concern about Kashmir. I share your convictions that human rights of its entire people must be respected. But a stark truth must also be faced—there is no military solution to Kashmir. International sympathy, support and intervention cannot be won by provoking a bigger, bloodier conflict. On the contrary, sympathy and support will be lost and no matter how great the grievance it is wrong to support attacks against civilians across the Loc."
24. Off-the-record interview with a former Indian Foreign Secretary, March 17, 2000, New Delhi.
25. These opinion polls have been conducted by two Kashmir-based NGOs, known for their integrity. Unfortunately, the prevailing circumstances in Kashmir do not make it possible to reveal the names of either the NGOs or the personnel who administered the survey instrument. The findings were made available to the author on the condition of strict confidentiality.
26. Findings based on opinion polls conducted by two Kashmiri NGOs.

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27. The union cabinet's rejection of the autonomy resolution has been interpreted by some as evidence of New Delhi's unwillingness to devolve power to Jammu and Kashmir. However, informed sources within the government made it clear that the rejection was only signaling the dominant belief within the cabinet that the resolution, in its timing and content, was designed to "subvert New Delhi's efforts to initiate a peace process in J&K, which would involve separatists as well and possibly marginalize Farooq Abdullah's National Conference." (Interview with senior Home Ministry Official, July 15, 2001.) In addition, the resolution was based on an autonomy report that was ill thought and poorly drafted. See Government of Jammu and Kashmir, *Report of the State Autonomy Committee* (Jammu: Ranbir Govt. Press, 1999). Also see *The Indian Express* (New Delhi), July 5, 2000 for details of the cabinet rejection.
28. Conversation with two prominent separatist leaders, September 14, 2002, New Delhi.
29. This author has attended four of these workshops: three were organized by the Kashmir Foundation for Peace and Development Studies, in Jammu (January 2000) and Srinager (June and September 2000), and one was organized by the J&K Federation of Civil Society Associations in Srinagar in July 2000.
30. In recent years a number of proposals have been produced to resolve the conflict over Kashmir. The University of Minnesota academic, Joseph E.Schwartzberg, who is also a member of the Kashmir Study Group, has collated many of these in an unpublished paper. Some of these proposals have been drawn from the essays published in Gul Mohd Wani, ed., *Kashmir: Need for Sub-Continental Political Initiative* (New Delhi: Ashish Publishing House, 1995).
31. See US Department of State, *Patterns of Global Terrorism, 2000* (Washington, 2001). The report states unambiguously that the Government of Pakistan has "increased its support to the Taliban and continued its support to militant groups active in Indian-held Kashmir, such as the Harakat ul-Mujahidin (HUM), some of which engaged in terrorism." And it adds "Pakistan's military government, headed by Gen. Pervez Musharraf, continued previous Pakistani Government support of the Kashmir insurgency, and Kashmiri militant groups continued to operate in Pakistan, raising funds and recruiting new cadre."
32. For details of the Siachen dispute and the demarcation of the LOC see Robert J.Wirsing, *India, Pakistan and the Kashmir Dispute: On Regional Conflict and its Resolution* (New York: St Martin's Press, 1994).
33. *The Hindustan Times* (New Delhi), May 27, 1955.
34. See Y.K.Gundevia, *Outside the Archives* (Hyderabad: Orient Longman, 1984). Also see Jyothi Bhushan Das Gupte, *Jammu and Kashmir* (The Hague: Martin Nijhoff, 1968).
35. P.N.Dhar, *Indira Gandhi, the "Emergency" and Indian Democracy* (Delhi: Oxford University Press, 2000). Haksar disclosed this to the author, May 15, 1994, New Delhi. Most Pakistani historians, however, do not accept this version of the events of Shimla. Benazir Bhutto, who was present at Shimla with her father, also rejects that there was a "secret understanding" between Prime Ministers Bhutto and Gandhi.
36. This, of course, closely resembles the short-lived agreement between Italy and Yugoslavia over Trieste in the days after the Second World War, and has—over the years—been recommended as "a way out" by several analysts. See, for instance Selig Harrison, "South Asia and the United States: A Chance for a Fresh Start," *Current History,* Vol. 91, No. 563 (March 1992), pp. 97–105; and Kuldip Nayar, "Kashmir: A Way Out", *The Hindustan Times* (New Delhi), July 15, 1992. Also see B.G.Verghese, "The Fourth Option", *The Hindustan Times,* March 25, 1993.

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